

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

v.

MARCOS A. RIVERA-HERNANDEZ

Defendant

Criminal Case #97-CR-229-JAF

MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE

COMES NOW, defendant **MARCOS A. RIVERA-HERNANDEZ**, by and through his undersigned attorney and to this Honorable Court very respectfully **STATES**, **ALLEGES and PRAYS** as follows:

1. On or about June 26, 1998 defendant Marcos A. Rivera-Hernández pled guilty to count one (1) of the indictment charging *conspiracy to possess with intent to distribute in excess of one (1) kilogram of heroin and in excess of five (5) kilograms of cocaine*. This plea was entered pursuant to a cooperation agreement reached with the Government.

2. Approximately sixteen (16) months after pleading guilty, on December 14, 1999, defendant Marcos A. Rivera-Hernández was sentenced to, *inter alia*, forty-five (45) months of imprisonment followed by sixty (60) months of supervised release. When imposing sentence, this Honorable Court took into consideration the valuable cooperation provided by defendant that persuaded the Government to recommend a downward departure with a sentence of sixty (60) months of

incarceration. This Honorable Court also considered defendant's extraordinary and exceptional efforts at rehabilitation taken subsequent to the commission of the offense and before sentencing. Pursuant to this, the Honorable Court granted an additional fifteen (15) months downward departure to that recommended by the United States and sentenced defendant, to forty-five (45) months of incarceration. In addition, it was recommended for Mr. Rivera to serve his imprisonment at a minimum security institution and he was allowed to surrender voluntarily.

3. Defendant Rivera-Hernández was transferred to a Halfway House on or about December 19, 2002. During his term of imprisonment and before the transfer, Mr. Rivera-Hernández studied nautical mechanics. He graduated as a certified nautical mechanic working extensively in such capacity during his imprisonment at the Homestead Air Force Base. Upon his transfer to the Halfway House, he immediately obtained employment with Universal Marine in Miami, Florida. There he worked as a nautical mechanic becoming later the supervisor of other mechanics in the shop.

4. On March 28, 2003 defendant Marcos A. Rivera-Hernández was released from the Halfway House and began his supervised release. He immediately reunited with his wife and young son, purchased a home and continued his employment with Universal Marine.

5. Several months later, in July, 2003 defendant Marcos A. Rivera-Hernández opened his own marine mechanic shop and began working under the

name of "Marcos' Marine, Inc." in Kendall, Florida. He continues today with this company and employs two (2) additional mechanics to help him in the shop.

6. When defendant Rivera-Hernández was released from the Halfway House on March 28, 2003, he was placed under maximum supervision. However, because of his exemplary conduct and behavior he was then placed on minimum supervision approximately thirty (30) months after being released; that is, in or about August, 2005.

7. In the year 2004, defendant Marcos A. Rivera-Hernández began to share his past experiences with the youth in the Miami and Hialeah community. By reaching out to the youth, he made a solid impact on the kids. This was recognized by the U.S. K-9 Academy and Police Dog Training Center located in Hialeah, Florida. (**See Exhibit I**). During a period of six (6) to eight (8) months, defendant Rivera-Hernández traveled with representatives of this training center sharing his experiences in at least fifteen (15) to twenty (20) different schools and youth centers.

8. In addition to the above, in or about the year 2005 defendant Marcos A. Rivera-Hernández joined forces with a non-profit educational organization located in Puerto Rico called The John Dewey ("Colegio Universitario"). He was given the responsibility of forming, implementing and supervising a marine mechanic educational program. (**See Exhibit II**). For this, he traveled at his own expense approximately twice a month during a period of eight (8) months. This

educational program is presently helping disadvantaged students in Puerto Rico obtain a degree in nautical mechanics. At the present, Mr. Rivera-Hernández supervises the educational program and travels at least once every two (2) to three (3) months, at his own expense, to ensure that everything is running correctly.

9. During the trips to Puerto Rico mentioned above, defendant Marcos A. Rivera-Hernández continued his previous visits to "Hogares Crea". As this Honorable Court may recall, Mr. Rivera-Hernández helped numerous addicts in "Hogares Crea" as he waited for sentence to be imposed in the instant cause. During these current visits, he again shared his experiences with the young men and continues to help them out in any way possible.

10. Defendant Marcos A. Rivera-Hernández continues to be happily married and recently became the proud father of a baby girl born on September 7, 2005. He resides with his wife, son and young baby daughter in their own home in Kendall, Florida. His nine (9) year old boy is doing exceptionally well in school and was in Honor Roll during the entire third grade he recently completed.

11. As of today, defendant Marcos A. Rivera-Hernández, has completed forty-four (44) of the sixty (60) months imposed as supervised release. In view of the tremendous progress and rehabilitation demonstrated by Mr. Rivera-Hernández, it is respectfully submitted that additional supervision is no longer required nor merited. Defendant Rivera-Hernández has complied with all conditions of release

and no objection is expected from the United States Probation Office for this motion to be granted. (**See Exhibit III**).

WHEREFORE, it is respectfully prayed that this motion be Granted and that supervised released be immediately terminated.

In Orlando, Florida for San Juan, Puerto Rico on this 14th day of August, 2006.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY**, that on this same date this document was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Rosa Emilia Rodríguez, United States Attorney, at her electronic address in the CM/ECF system.

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